

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Pensions – Police Department – Request for Payment of monthly Family Pension to Smt. I.Seetharamamma, W/o. late I.L.Acharya, Deputy Superintendent of Police (Retired) – Rejected – Orders – Issued.

HOME (SER-I) DEPARTMENT

G.O.Rt.No. 503

Dated: 28-03-2012

Read the following:-

- 1.From the Director General of Police, A.P., Hyderabad
Letter No.L1/664/2007, dated 3.9.2011 received on 11.11.2011
- 2.Govt. Memo.No.23426/Ser.I/A1/2011-2, dated 23.11.2011
- 3.From the Director General of Police, A.P., Hyderabad
Letter No.L1/664/2007, dated 12.12.2011

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ORDER:

In the reference 1st read above, the D.G.P., Hyderabad has informed that Smt I.Seetaramamma W/o late I.L.Acharya, D.S.P. (Retd) has filed a W.P.No.17397/2008 in the Hon'ble A.P. High Court against the Govt. Memo No.8656/Pol.E/A1/97-3, dated 12.8.1997 wherein the Government have informed that the petitioner is not entitled to the family pension. Aggrieved by these orders, Smt I.Seetaramamma has filed the present Writ Petition.

2. Smt I.Seetaramamma, stated to have been wife of Late (Sri) I.L.Acharya, D.S.P. (Retd) who **retired from service on 31.3.1983**, in her representation dated 6.8.1986 has informed that Sri I.L.Acharya, D.S.P. (Retd) has **married her on 6.4.1986** while he was working as Security Officer, A.P. Agriculture University, Hyderabad, and **expired on 11.7.1986** and requested for sanction of family pension and submitted a joint photograph, wedding card in support of her claim. At the time of retirement of Sri I.L.Acharya he had no wife and nominated his divorced daughter Smt Susheela Rani for payment of family pension and grand daughter I.Radha Rani for payment of DCRG. In this case Sri I.L.Acharya has not notified the marriage with Smt I.Seetaramamma. Further, the Govt. in G.O.Ms.No.335, Fin. & Plg. (FW:Pen.I) Dept., dated 15.9.1993 has modified item (i) of clause (c) of sub-rule 12 of Rule 50 of APRPR, 1980 the words "provided the marriage took place before the retirement of the Government servant" was omitted. The Government have examined the present case with reference to the said G.O. and clarified in Memo No.8656/Pol.E/A1/97-3, dated 12.8.1997 that the first wife or the children of the first wife of the deceased D.S.P. has to be given first preference i.e. in case if there is first wife or the children of the first wife, the petitioner in this case being the second wife was not entitled for any pension". The present Writ Petition is against these orders. The Hon'ble A.P. High Court in their interim orders in W.P.M.P.No.22600/2008 in W.P.No.17397 of 2008 have directed the respondents that 'interim direction as sought for subject to eligibility of the petitioner'.

3. The Director General of Police, A.P., Hyderabad, has further informed that the **deceased retired officer has not declared that he married Smt I.Seetaramamma after his retirement though the marriage took place on 6.4.1986 and he expired on 11.7.1986. Basing on a joint photo & wedding card the plea of the petitioner for sanction of family pension cannot be considered.** The Director General of Police, A.P., Hyderabad, has requested the Government to pass appropriate orders as deemed fit in the matter.

4. After careful examination of the matter, the Government have considered that the G.O. Ms.No.335, Finance (Pen.I) Department, dated 15.9.1993 came into force prospectively from the date of its issue only. As per the rule, which was in force at the time of their marriage, she did not confer any right to get eligibility for family pension as the marriage of

Government servant took place after his retirement. Hence, she is **not eligible** for Family Pension of late Sri I.L.Acharya, Deputy Superintendent of Police (Retired). Accordingly, the **request** of Smt. I.Seetharamamma, for sanction of Family Pension of late Sri I.L.Acharya, Deputy Superintendent of Police (Retired), is hereby **rejected**.

5. The Director General of Police, A.P., Hyderabad, is requested to inform the individual accordingly.

6. This order issues with the concurrence of Finance (Pension-I) Department vide their U.O. No.8363/84/A1/Pen-I/12, dated 27.3.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, A.P., Hyderabad.
Copy to:
The Finance (Pen-I) Department.
SF/SC

// Forwarded :: by order //

SECTION OFFICER